

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

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2005 DEC 15 P 3:41

JAMES WILBERT WALKER, JR.,)

Petitioner,)

v.)

BILLY MITCHEM, et al.,)

Respondents.)

Civil Action No.: 2:05-CV-1051-N

DEBRA P. WACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

PETITIONER'S MOTION FOR EXTENSION OF TIME

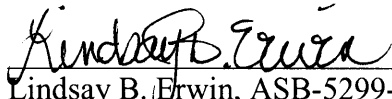
Petitioner, James Wilbert Walker, Jr., requests leave of Court to file his Response to addressing the denial of his claim by the state courts on or before 4:00 p.m. Friday, the 13th of January, 2006. In support of his Motion, Petitioner represents unto the Court as follows:

1. That Attorney for Petitioner's Father was brought home from the Hospital by Hospice with only a short period of time to live on the 29th of November, 2005.
2. That Attorney for Petitioner received Order of the 30th of November, 2005 on said date or shortly thereafter.
3. That Attorney's Father passed away on the 3rd of December, 2005.
4. Due to Attorney's time spent with Father before his passing, and with family during and after the grieving process, Attorney has neglected any time being spent needing to prepare for Response.
5. The case is not set for Trial, and the request will not impose undue delay in processing of the case.

Page 2, Motion
Walker v. Mitchem, Civil Action No.: 2:05-CV-1051-N

WHEREFORE, PREMISES CONSIDERED, Petitioner respectfully moves this Court to grant an extension of time until 4:00 p.m. on Friday, the 13th of January, 2006, for filing of Petitioner's Response.

Respectfully submitted on this the 13th day of December, 2005.

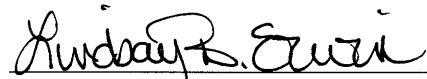


Lindsay B. Erwin, ASB-5299-y59e
Attorney for Petitioner
101 Bristol Lane
Birmingham, Alabama 35242

Certificate of Service

I do hereby certify that a copy of the above and foregoing has been served upon the following by placing a copy of the same in the United States Mail, First Class postage pre-paid properly paid on this the 13th day of December, 2005. Attorney for Petitioner has registered for electronically filing this day the 13th of December, 2005, and will further file all proceedings electronically.

Ms. Elizabeth Ray Butler, Esq.
Office of the Attorney General
Alabama State House
11 South Union Street
Montgomery, Alabama 36130



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